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SPEECH
OF THE
HON. JAMES R. DOOLITTLE,
OF WISCONSIN,

ON THE
BILL TO ORGANIZE THE TERRITORY OF ARIZUMA.

DELIVERED IN THE SENATE OF THE UNITED STATES, DECEMBER 27, 1860.

Mr. BROWN moved the following as an additional section, to come in at the end of the bill :

And be it further enacted, That the act of the Legislative Assembly of New Mexico, approved February 3, 1859, entitled "An act to provide for the protection of property in slaves in this Territory," be, and the same is hereby, extended to and declared in force in the Territory of Arizuma, and it shall not be repealed during the territorial existence of said Territory. To which

Mr. TRUMBULL moved to amend the amendment by striking out the whole of it after the word "that," and inserting :

The law in respect to African slavery as it existed in said Territory at the time of its acquisition from Mexico, shall remain unchanged until its admission as a State.

Mr. DOOLITTLE said : Mr. President, I shall vote for the amendment offered by the Senator from Illinois, [Mr. TRUMBULL.] We have lived together under the Constitution of the United States, in slaveholding and non-slaveholding States, for more than seventy years, and have lived together in peace. That peace, however, has rested upon two fundamental ideas : first, that the Federal Government and the citizens of the free States shall make no aggression upon slavery in the States ; and the other, equally fundamental, that neither the Federal Government nor the slaveholders of the slave States shall make any aggressions upon freedom in the Territories. Upon these grounds we have lived together for these eighty years, and we may live for generations to come ; but if the citizens of the free States or the Federal Government shall undertake, directly or indirectly, to overturn slavery in the States where it exists, or if the citizens of the slave States or the Federal Government shall undertake to overturn freedom in the Territories, we cannot have peace.

The amendment of the Senator from Mississippi [Mr. BROWN] is an attempt by a law of Congress to repeal the law of Mexico against slavery, and to legalize it ; while the amendment of the Senator from Illinois [Mr. TRUMBULL] affirms that the law of freedom existing in the Territory at the time of its acquisition shall remain unchanged during its territorial condition.

Sir, the Constitution of the United States is the supreme law of the land and of every State, and speaks the same language and has the same force everywhere ; in Virginia, in Wisconsin, and in South Carolina. That Constitution was made for States, and not for Territories at all. It does not mention them, except to give Congress the power to govern them ; but when extended over them by act of Congress it must be construed there, and everywhere, and always, to mean the same—no more, no less.

also into his speech what Mr. Lincoln has said again and again in reference to this same declaration. Upon one occasion, in reply to the charge of Mr. DOUGLAS, that he was in favor of making war by the North upon the South for the extermination of slavery, Mr. Lincoln said :

"I do not believe the language I employed will bear any such construction ; I know that I never meant any such thing, and I believe that no fair mind can infer any such thing from anything I have ever said."

If, indeed, your people rest under such apprehensions, why not proclaim in every speech that can reach the people of the slaveholding States, that the incoming President declares :

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." * * * * *
 "When it is said that I am in favor of interfering with slavery where it exists, I know it is unwarranted by anything I have ever intended, and, as I believe, by anything I have ever said." * * * * *
 "I hold myself under constitutional obligations to allow the people in all the States, without interference, direct or indirect, to do exactly as they please, and I deny that I have any inclination to interfere with them, even if there were no such constitutional obligation."

If there is one thing for which he is known and distinguished, it is for his inflexible integrity of purpose, unquestioned even by his bitterest political enemies. When he declares that he has no purpose, no inclination, and believes that he has no constitutional power, either directly or indirectly, to interfere with slavery in the States ; that he could not if he would, and would not if he could, I ask the Senator from Tennessee why not, in Heaven's name, quote these declarations into the speeches which he is sending home to his constituents, if in truth, he desires to quiet that alarm which he says exists among them.

Mr. NICHOLSON. Mr. President——

The PRESIDING OFFICER, (Mr. Mason in the chair.) Does the Senator from Wisconsin yield to the Senator from Tennessee ?

Mr. DOOLITTLE. Yes, sir.

Mr. NICHOLSON. I must say to the Senator from Wisconsin that in the remarks which I made in commenting on the Republican platform, I stated in explicit language as plain as I could utter it, that in that platform they professed their determination to regard the rights which southern men claimed in their slaves in the States, and that Mr. Lincoln fully and explicitly accords with the sentiment and declarations of his platform. I did not quote the language of the platform in that respect. I stated, though, what was my view of that platform, and that it did profess explicitly to allow to the people of the southern States, the enjoyment of their rights within the States, but laid down a principle outside of the States which, if carried out to its ultimate consequences, would destroy their rights within the States. I do not know what more I could have done without quoting the whole platform and Mr. Lincoln's discussions with Mr. DOUGLAS, which would have occupied more time than I desired to consume.

Mr. DOOLITTLE. I understood the Senator from Tennessee to say that their great apprehension was, that the purpose of the Republican party in getting possession of the Government was so to increase the number and power of the free States that they would obtain, at last, the power of amendment over the Constitution ; and when they obtained that, it was their purpose to exercise it, and emancipate the slaves within the States. I understood him to say that in substance now.

Mr. NICHOLSON. I took the position that the policy, principles, and measures of the Republican party as avowed by them, if carried to their consequences, in the course of time, would extinguish slavery in the States. I expressed the apprehension that when they had the power, by the increase of free States, if they intended to carry out their purpose of ultimate extinction of slavery, they would resort to that power, and thereby bring about the result which their candidate, Mr. Lincoln, expressly said he desired should come about—the final extinction of slavery. That was my position.

Mr. DOOLITTLE. Mr. President, the Republican party, as I understand it, maintain the reserved rights of the States ; that all powers not expressly delegated, or necessary to carry into effect the powers which are delegated, by the Constitution of the United States, are expressly reserved to the States ; and that it is fundamental to maintain the independence and sovereignty of the several States in respect to all matters which are not conferred upon the general Government by the Constitution ; and that among the powers not conferred, but reserved to the States, is an absolute, independent, sovereign control over all their domestic institutions ; and I undertake to say to that honorable Senator, that no Republicans within any of the States have ever expressed the purpose, or the desire, that the General Government should have the power to interfere with slavery in the States. Not one, sir.

I know that some years ago, a book published by Mr. Lysander Spooner, took the ground that the Constitution of the United States, of itself, abolished slavery; but sir, it finds very few supporters. It is just as unfounded as that other idea which finds, I regret to say, so many supporters now in the South, but which found very few, even there, until 1848—that the Constitution of the United States is a slavery-extending Constitution, and by its own force establishes slavery, or what is the same thing, guarantees the right to take and hold slaves in the Territories.

Mr. CLINGMAN. I avail myself of this occasion to ask the Senator a question, as he speaks knowingly on this subject. I have no knowledge of the fact, but it was published in a newspaper, and therefore I call his attention to it. He says that no respectable authority, or man of standing, adopts this view of Spooner. There was a publication last winter in some of the newspapers, I think, stating that the honorable Senator from New York [Mr. SEWARD] had commended the work in very high terms. There was a note published, purporting to have come from him. Now, I should like to know of the honorable Senator, whether he means to say that that was a forgery; or does he mean to say that the honorable Senator from New York is not such authority as should be considered of weight in the country on these questions?

Mr. DOOLITTLE. I remember, too, that the honorable Senator from Mississippi [Mr. BROWN] also commended the book as one of great ability, here, on the floor of the Senate. He thought Mr. Spooner was a man of great ability and ingenuity. But, I repeat, this idea that the Constitution of the United States abolishes slavery by force of its own terms, in any State or Territory, or that it establishes slavery in any State or Territory, has not, in my opinion, the shadow of a foundation. The truth is, that upon either ground, the Constitution never could have been formed at all. It was framed by men who knew the words which they employed, and the meaning of those words. They recognized, it is true, the rights of the States to have persons held to service under their own State laws—not under the Constitution, nor under the laws of the United States, but under their own laws. They acknowledged the right, and made it the duty, that persons so held to service, when escaping into other States, or those States where such laws did not exist, should be delivered up on claim of the person to whom the service was due. But they have not declared, anywhere in the Constitution of the United States, that property in man exists by virtue of its provisions. They neither affirm nor deny that it can exist by State authority under State law. They leave, just as they intended to leave, each State perfectly sovereign and independent over its own laws on the subject of slavery. There was a provision, it is true, that until 1808, Congress should not have power to prevent States from importing or immigrating such persons as they should desire to have come into their jurisdictions; but the Constitution of the United States does not refer to them as property, nor as merchandise; but refers to them as persons held to service. The law of the slave States makes them property; the law of the free States does not make them property. The Constitution does not make them either. That is the truth about it.

Neither Mr. Spooner, with his idea that the Constitution abolishes slavery, nor this fanatical idea that has grown up within the last ten or twelve years at the South that the Constitution establishes slavery, has any foundation whatever. I say to these gentlemen that, upon that idea that the Constitution establishes slavery, you cannot have peace on the slavery question; and you may just as well know it first as last. The people of the United States do not believe that the Constitution is, and will never consent that it shall be altered so that it will become a slavery-extending Constitution by force of its own terms. We do not ask either that you put upon it that construction which shall abolish slavery in any State or in any Territory. We say, let the Constitution be as our fathers made it; let it be neutral—neither affirming nor denying, and then you can have peace.

Mr. President, one word further as to the purpose or designs of the President elect of the United States. He says:

"Let me say I have no prejudice against the southern people. They are just what we would be in their situation. If slavery did not exist among them they would not introduce it. If it did now exist among us, we should not instantly give it up. This I believe, of the masses, North and South. Doubtless there are individuals on both sides who would not hold slaves under any circumstances; and others who would gladly introduce slavery anew if it were now out of existence. We know that some southern men do free their slaves, go north, and become tip-top Abolitionists; while some northern ones go south, and become most cruel slave masters.

"When southern people tell us they are no more responsible for the origin of slavery than we are, I acknowledge the fact. When it is said that the institution exists, and that it is very difficult to get rid of it in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves and send them to Liberia—to their own native land. But a moment's reflection would convince me that, whatever of high hope—as I think there is—there may be in this, in the long run its sudden execution is impossible. If they were all landed there in a day, they would perish in the next ten days; and there are not surplus shipping

and surplus money enough in the world to carry them there in many times ten days. What then? Free them all, and keep them among us as underlings? Is it quite certain that this better their condition? I think I would not hold one in slavery at any rate; yet the point is not clear enough to denounce people upon. What next? Free them, and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if, indeed, it is any part of it. A universal feeling, whether well or ill founded, cannot be safely disregarded. We cannot, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for that tardiness in this respect, I will not undertake to judge our brethren of the South.

"When they remind us of their constitutional rights, I acknowledge them—not grudgingly, but fully and fairly; and I would give them any legislation for the reclaiming of their fugitives which should not, in its stringency, be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one."—*Speech at Ottawa, Illinois, August 21, 1855.*

Now, I ask gentlemen upon the other side of the chamber, those of you who do not speak upon this agitation for the purpose of making the agitation greater; those of you who do not wish to aggravate this excitement and quarrel; those of you who desire peace and the preservation of the Union, why, in the speeches that you circulate among your people, do you not include these declarations of Mr. Lincoln, made a hundred times over in his own State, and published throughout the whole of the free States, with the full knowledge of which he has been elected by such majorities to be the President of the United States? If you want peace among your people, why is it not just and fair; and why are you not called upon, if you desire to quiet the alarm which you say is existing among them, to put these declarations into your speeches, and circulate them among your people?

And now, Mr. President, I desire to speak of what are now alledged to be the causes of irritation existing at the present moment between the citizens of the slaveholding and non-slaveholding States. One which was introduced by the honorable Senator from Kentucky [Mr. POWELL] the other day, I regretted exceedingly to see introduced at this time. The subject-matter of it has existed from the very foundation of the Government, but I believe it is but very recently that we have heard of it, in connection with this controversy. The complaint is this: that some of the non-slaveholding States refuse to surrender criminals who are fugitives from justice. I know that upon this subject of demanding fugitives from justice, the States have generally adopted this as the rule of their action: if the crime with which the individual stood charged was a crime within the laws of the State to which he flees, he should be surrendered; and not otherwise. Such has been the practice of the oldest States beginning with Virginia, at a very early day. When certain individuals were demanded by the State of Pennsylvania to be delivered up as fugitives from justice, charged with kidnapping free negroes from that State, the Governor of Virginia refused to deliver them up, and put his refusal upon that ground. So, too, in relation to obtaining money under false pretences.

Mr. BENJAMIN. Will the Senator be good enough to give us his authority for that last assertion? I should like to examine that.

Mr. DOOLITTLE. You will find it referred to in one of the dissenting opinions of the Prigg case.

Mr. BENJAMIN. In the Prigg case?

Mr. DOOLITTLE. Yes, sir. So, too, in relation to the obtaining of property by false pretences. We all know that by obtaining property by false tokens, or false pretences, was not a crime at common law; it was a simple misdemeanor, a cheat; but by the laws of the State of New York it is made a felony; and since they have made this a felonious crime, they have sometimes demanded fugitives from the State of New York to be delivered up by several States, by Ohio, and other States. and they have been refused in those States where the crime is not made felonious by their own laws, but remains as a simple misdemeanor.

Mr. FESSENDEN. Maine refused Massachusetts, on the same ground.

Mr. DOOLITTLE. I understand my friend here to say that Maine has refused to deliver up to Massachusetts, on precisely the same ground. It was because the States were unwilling that the State of New York, in which the great commercial transactions take place, should have the power to make every cheat, every fraud, a felony under the law of New York, and make those laws a kind of criminal creditor's bill, by which they could send out the process of the State of New York, and demand his surrender from other States, to bring him within the jurisdiction of that State, and enforce the payment of a debt.

So, too, between the States bordering upon the Ohio. A man, a member of the Legislature—I believe it was of the State of Kentucky—several years ago, was indicted in the State of Indiana for the offense of kidnapping free negroes from the State of Indiana; and taking them into the State of Kentucky. The Governor of Indiana made a requisition upon the Governor of Kentucky, and the Governor of Kentucky refused to deliver him up, and upon the same principle. So, too, it is true, as the Senator from

Kentucky has stated, the Governor of Kentucky has demanded of the Governor of Ohio to surrender up one indicted for stealing slaves from the State of Kentucky, which was refused, and put upon precisely the same ground, that the test of criminality should be the law of the State to which they flee, and not the State from which they escape.

Mr. President, lay aside all this excitement that exists in this body, and throughout the country, on this negro question, and I undertake to say that there are not ten men to be found on this floor who would advocate the doctrine that a State, by its own laws, can make whatsoever it pleases a crime, and that its indictment shall be conclusive evidence of the guilt as well as of the escape of the person charged, and that he shall be absolutely surrendered by the Governor of the State where he may be found. The honorable Senator from Kentucky may complain that it is annoying. So I grant it is. It is exceedingly annoying that the free negroes of Ohio and of Indiana can be kidnapped and carried into slavery in Kentucky, or elsewhere. So it is annoying for the slaveholders, on the contrary, that their slaves may be enticed to run away from them. I know all that; but, sir, there is a higher principle involved. I will read my authority for the statement which I made in relation to the action of the Governor of Kentucky—a statement which I find in the Louisville Journal:

“Governor Magoffin knows very well that one of his predecessors, a Governor of this State, a good many years ago, refused, upon a requisition from the Governor of Indiana, to surrender a fugitive charged with kidnapping a negro from that State, the ground assumed being that it was no crime by Kentucky law. The offender in that case was, we understand, a member of the Kentucky Legislature, and he was demanded as a fugitive from justice by the Governor of Indiana for having gone over to that State and forcibly seized and brought a negro to Kentucky without legal process; and the Governor of Kentucky, sustained by the Kentucky Legislature, declined, as we have said, to surrender the alleged fugitive, on the ground that he had done nothing which the laws of Kentucky recognized as a crime.”

I do not care to go into a discussion of whether the right or wrong principle has been adopted by the Governors of these several States, in insisting that the crime for which they are to be delivered up should be a crime within their own limits or not; but whichever is right, or whichever is wrong, it is a principle which has prevailed in this country almost from the beginning of the Government, and ought not to be brought forward to day for the purpose of aggravating the excitement now existing in the slave States, to prove that the people of the free States are unwilling faithfully, to all intents and purposes, to abide by the Constitution, and by all its compromises.

Mr. President, another cause of irritation is alleged to be the non-rendition of fugitives from service. I admit the validity of the clause in the Constitution which denies to any State the power to discharge a fugitive from service from the obligation he owes to his master. I admit that it is one of the clauses of the Constitution which I have sworn to support, and I feel bound in conscience to admit the validity of this clause, as well as of every other clause in the Constitution. While I do this, I must say in all frankness and sincerity, that two questions have arisen on the construction of this clause of the Constitution. For myself, believing as I do that the Constitution of the United States should be strictly construed, if it were left for me I should decide that it did not belong to Congress to legislate at all on this subject; that it belonged to the States, and only to the States; and that it would be the duty of the States, if it were left to them, and to them alone, to make provision by law faithfully to carry into effect this clause of the Constitution. This same opinion was expressed by Mr. Webster, and by Mr. Rhett, of South Carolina, when members of this body; the same opinion was expressed by a majority of the judges of the supreme court of Wisconsin. At the same time, I admit, with equal frankness, for I have no concealment whatever on this question, that the majority of the people of the United States, of all sections and of all parties to-day, outside of the State where I reside, admit that by this clause of the Constitution and the action of the Government, under it, Congress does possess power to legislate for the rendition of fugitive slaves. The Supreme Court of the United States on repeated occasions, and the Supreme courts of Massachusetts, Ohio, and New York, composed, too, of Republican judges, have held that it belongs to Congress and not to the States to legislate on this point. I understand, too, that by the clear declaration of the President elect, (Mr. Lincoln,) he is one among the number who admit that Congress possesses the power to legislate on this subject. He said, in his speech at Alton, on the 15th of October, 1858:

“I suppose most of us (I know it of myself) believe that the people of the southern States are entitled to a congressional fugitive slave law. As the right is constitutional, I agree that the legislation shall be granted to it, and that not that we like the institution of slavery. We profess to have no taste for running and catching negroes; at least I profess no taste for that job at all. Why then do I yield support to a fugitive slave law? Because I do not understand that the Constitution, which guarantees that right, can be supported without it.”

Now, although, as I have stated frankly, in my own opinion it belongs to the States, and not to Congress, to legislate on this subject, still, I am bound to declare with equal

frankness that the President elect of the Union has declared again and again that it belongs to Congress, and that Congress is bound to give an efficient fugitive slave law. In his own language:

"I would give them any legislation for the reclaiming of their fugitives which should not, in its stringency, be more likely to carry a freeman into slavery than our ordinary criminal laws are to hang an innocent one."

While, in my judgment, reasoning as I do in favor of a strict construction of the Constitution, I believe that it belongs to the States, and not to Congress, to legislate; still, I am compelled to admit that, outside of my own State, the judicial authority has been almost unanimous the other way; and such is the opinion entertained by the President elect; I must say, however, that in my humble opinion, reason is upon one side, and the weight of precedent and authority is upon the other.

But, Mr. President, what have been the facts in relation to the execution of the fugitive slave law? Where has any slave that has ever been taken into custody, and been brought before a commissioner under the fugitive slave law—where has any such slave, with the exception of two or three instances, ever been rescued or ever escaped? In my own State a slave was arrested under circumstances calculated to produce an immense degree of excitement in the immediate locality. He was rescued; and this fugitive slave law was put into execution against an individual who was charged with being instrumental in his rescue. I refer to the editor of a newspaper in the city of Milwaukee. He was brought before the district court of the United States, and convicted and sentenced, and he is in prison now. That is the only case that ever occurred in Wisconsin. How has the fact been in Illinois, in Ohio, in Indiana, and anywhere in the United States, in reference to any person who has actually escaped as a fugitive, and been claimed under this law?

But gentlemen say that fugitives sometimes escape, without ever being arrested. That is very true indeed; so they do; but that is not the fault of the law. That grows out of the fact that you own a species of property which has a will and legs of its own, and which desires sometimes to escape to liberty. That is your misfortune, not ours. If you invest your money in a species of property which has a will and power of its own to escape, we are not responsible for that. We are not made insurers of your slave property, against its running away. We are only required to surrender persons held in your service when you claim them.

But, Mr. President, I desire to look at this in another point of view. The Senator from Virginia, [Mr. Masox,] the other day, told us that it was estimated in 1850, that at least \$100,000 every year of property in negro slaves was lost from the State of Virginia; and he believes that the same is true now, that the annual loss of Virginia by the escape of slaves is \$100,000. Concede it, for the sake of my argument. What is the whole value of the property in slaves in Virginia, or what was it before this recent panic? On an average they were worth from five hundred to one thousand dollars apiece, as I am told by gentlemen, perhaps, half that now. There are about five hundred thousand in the State of Virginia. At \$800 apiece, they would amount to \$400,000,000. Now, I ask what is the annual loss of the State of Virginia upon \$400,000,000 in the escape of fugitive slaves? The Senator says \$100,000. One hundred thousand dollars upon \$400,000,000 is but one fortieth of one per cent.; it is but one fourth of a mill on a dollar, growing out of the peculiar risk which men who invest their property in slaves run in the State of Virginia; and that is one of the border States of this Confederacy. Concede that this estimate of the Senator from Virginia is right, that the State of Virginia loses \$100,000 every year: it is a loss, I repeat, of but one-fourth of a mill on a dollar, and one fortieth of one per cent. Every species of property has its own peculiar risks. If you invest in land, in grain, in merchandise, in stocks—invest your property in what you will, it has peculiar risks of its own; and the loss on this property, which is subjected to a peculiar risk, growing out of the fact that the person that is made the subject of property has a will and a disposition to run away, is but one-fourth of a mill on a dollar—less than the peculiar risk which is incurred on any other species of property in the United States.

Why, Mr. President, suppose the slaveholders of Virginia were to form themselves into a mutual insurance company, by which to insure themselves against loss from the escape of their slaves: how slight, indeed, would be the amount paid upon that insurance! One fourth of a mill on a dollar of the slave property of Virginia would secure that property against all loss by runaway slaves. This peculiar species of property which is subjected to so slight a risk has peculiar advantages, too, under the Constitution of the United States. It is entitled to representation. That cannot be said of any other property. Four hundred million of the property of Virginia is represented in the other branch of this Congress; and for the benefit of this representation, is it anything strange that those who own that property in Virginia should be subjected to some peculiar ad-

ditional risk? When that risk is so slight—the one fourth of a mill on the dollar—they have no right, on that ground, to undertake to break up this Union, to destroy all its advantages, and plunge the country into civil war.

I ask, what will you gain by breaking the bond of the Union? If, under this bond, which now compels us to surrender your fugitives, you incur the risk of but one fourth of a mill on a dollar in the border States, how much risk will you incur if you break the bond, and we are no longer held to surrender your fugitives? Bring down the line of Canada to Virginia, and then how much risk would the slave property of Virginia have to pay to secure themselves against loss by escape? Would one per cent., five per cent., ay, sir, would ten per cent. secure you against the loss from the escape of your slaves?

Mr. President, let the bond of this Union be broken, and the non-slaveholding States no longer compelled by the Constitution to surrender these fugitives, and slave property would of necessity retire from the border. I assure gentlemen on the other side of the Chamber that those men who are regarded as the Abolitionists in this country; those men who have denounced the Constitution as being a covenant with hell, because we were bound to return these fugitives to slavery, stand looking on to-day with an anxiety and intensity of interest which you cannot conceive. Their prayers go up, day and night, that this Union may be broken—that the free States of the North may no longer be compelled by the bond of Union to surrender your fugitive slaves. They know what the effect would be; and they desire the dissolution of the Union, to produce just that effect in all the border States. Now, by the statement of the gentleman from Virginia, the loss which is submitted to by that State—and it is a border State—is but one fourth of a mill on a dollar. Break the bond of the Union, and no ten per cent. upon the full value of the slave property of Virginia would secure them against loss by the escape of fugitive slaves.

So, too, Mr. President, these very Abolitionists whose declarations have so often been undertaken by our political enemies to be identified with the doctrine and purposes of the Republican party, stand in anxious suspense, hoping and praying that the bond of this Union may be broken; and for another reason: they know that the time will come, in the progress of population—and the time is coming with as much certainty as the revolutions of the earth—that the slave population in some of the States shall become so preponderating in numbers and physical power that it can no longer be held in subjection to their masters—that by the bond of the Union under which we live the arm of the Federal Government may be called in to put down insurrection; and it is because they believe that, if this bond were broken, the strong arm of the Federal Government could no longer be brought in to hold the peace and security of those States, that they desire that it should be broken.

They desire it upon two grounds: first, to compel the slaves to be withdrawn from the border States by easy and constant escapes, and by removal into the southern slave States; and when the whole mass of negro slaves shall be collected together in great numbers in those States; and when the bond of the Union shall be broken, and the Federal Government can no longer be brought in to put down insurrection, they then hope to see immediate emancipation in the slave States, with all the consequences which would follow. They are as anxious for the dissolution of the Union as many of the extremists upon the Gulf of Mexico. And, Mr. President, while I cannot believe that those residing in the Gulf States desire to accomplish any such purpose, I cannot for my life see, and I do not know, what course they could pursue which would be any more likely to bring about that result than to break up this Union of States, and to overturn this Constitution.

Sir, it was in view of this that our present minister to France, in speaking of the institution of slavery in the Legislature of Virginia, declared that it had "a magnitude of desolating power compared with which, if the Federal Union should be broken, the pestilence that walketh in darkness and the destruction that wasteth at noonday would be a blessing." This declaration was made shortly after the Southampton insurrection, by which all Virginia was startled, in her Legislature not long after that insurrection occurred. Then it was that he said that if the bond of the Federal Union should be broken, the institution of slavery would have such a magnitude of desolating power. I tell you, Mr. President, that these Abolitionists of the Garrison school of the North are to day as anxious to break up the Union as the men in the extreme cotton States, or in South Carolina.

Mr. President, there is one other subject-matter upon which I desire to detain the Senate a short time, and I shall have done. The Constitution of the United States adopted by the original thirteen States, and which has become the Constitution of other States as admitted into the Union, is, so far as it speaks in delegating power to this Government, the supreme law of the land, anything in any State law or constitution to the contrary notwithstanding. In all other matters perfect independence and sovereignty are

reserved to the several States. Every citizen of the United States, therefore, owes a double allegiance; one to this Federal Government, and another to the State in which he lives. He may be guilty of treason against either; he may be guilty of treason against both; but within their spheres each government is sovereign and supreme. If Congress steps beyond the powers delegated by the Constitution, to enact any law, it is absolutely void. If the State should step beyond the Constitution of the United States, which limits the power of the States to enact a law in conflict with it, it is simply unconstitutional, null and void.

Mr. BENJAMIN. I should like just at this point to ask a question of the Senator from Wisconsin, if I do not disturb the course of his argument. If he prefers going on I will not ask it.

Mr. DOOLITTLE. I have no objection.

Mr. BENJAMIN. I understand the Senator to say that every citizen of the United States owes a double allegiance; one to the Federal Government, the other to his State; and that he may be guilty of treason to either, or to both. Am I correct in that?

Mr. DOOLITTLE. Yes, sir.

Mr. BENJAMIN. Then I wish to ask the gentleman from Wisconsin if, in his opinion, under that form of government, a citizen can be placed, by a conflict between these two Governments, in a position where he must of necessity be guilty of treason to the one or the other, and therefore be bound to be hung any way?

Mr. DOOLITTLE. No, sir; he cannot; for if the State declares that to be treason which by the Constitution of the United States is void, as being in conflict with it, it is no treason; for the Constitution of the United States is the fundamental law of your State, and any act or declaration making it treason to do an act which is in conflict with the Constitution of the United States, cannot be made treason by the State, although they may declare it so.

Mr. BENJAMIN. If they declare it so, and hang the citizen because they declare it so, I should like to know what advantage it would be to him that in theory the decision was wrong?

Mr. DOOLITTLE. The citizen must judge at his peril. If a law is enacted by Congress which is within the Constitution of the United States, the citizen will judge at his peril; and if he undertakes to break up the Government of the United States, and to be guilty of treason against the Government of the United States, any act which the State may declare in conflict with it is simply unconstitutional, null, and void.

Mr. BENJAMIN. The proposition I put to the Senator is this: as a practical proposition, if the citizen of a State is, by the action of his State, which he cannot control, commanded to do a certain thing under the penalty of being hanged under the law of the State; and if that thing is treason under the Constitution and laws of the United States, is it possible, under the law of nations, and under the common sentiments of humanity that govern mankind, for the Federal Government to undertake to act upon the individual who is placed under duress to commit treason, instead of first relieving him from that duress by making war upon the State?

Mr. DOOLITTLE. If one of the citizens of Wisconsin (and, sir, I am sorry to be compelled to state that such things have occurred in some of the southern States) is taken by a mob and hanged, what remedy has he?

Mr. BENJAMIN. I am not speaking of mobs; I am speaking of constituted governments. If the government of a State undertakes to hang a citizen for refusing to obey certain orders, and if the Government of the United States, acting, as it says, upon the individual, and not upon the State, hangs him if he does obey it, I ask if that is a position to which the gentleman supposes the fathers consented that a citizen should be placed in when the Constitution was framed?

Mr. DOOLITTLE. If the man is to be hung if he does the act and to be hung if he does not, undoubtedly, so far as he is concerned, it will make no great difference, [laughter:] but, as a question of law, if he does an act which is treason against the United States, and is compelled to do that act by a law of the State, the State law is void, because it is in conflict with the Constitution of the United States.

Mr. BENJAMIN. Then would the hanging be void? [Laughter.]

Mr. DOOLITTLE. The hanging would be a certainty, [laughter:] it would not be void for uncertainty. I say, Mr. President, that where the Constitution of the United States speaks in language clear enough to delegate power to this Government, it is not in the power of one, ten, one hundred, or all the citizens of a State, any more than it is in the power of a mob led on by Judge Lynch, to annul that act of Congress; because the Constitution and the acts in pursuance of it are the supreme law of that State, and binding on every citizen and upon all the citizens in that State, and every citizen must, of course, act at his peril.

Mr. BENJAMIN. "I will not disturb the Senator further in the course of his argument, but I will take occasion to answer him when I get the floor in my turn."

Mr. DOOLITTLE. If this doctrine is true, that a State, by its own mere motion, without the consent of the other States, can assemble in convention, by mass meetings of its citizens or otherwise, and by resolution dissolve its connection with the Federal Government, absolve its citizens from their allegiance, and put an end to the supremacy of the Constitution and laws of the United States, several other consequences will follow. If one State can secede from all the rest, I suppose the Senator from Louisiana will not deny that all the rest can secede from one, and, of necessity, that gives to this Government the power to expel a State. The right of secession involves the right of expulsion. Let us go a step further. How would this doctrine operate in time of war? In the war of 1812 with Great Britain, some of the New England States, it is said, were rather disaffected toward the Government of the United States, and some of their citizens met in a convention at Hartford. At such a moment, when actually at war with Great Britain, if the doctrine of the gentleman is correct that secession is a constitutional right, that the citizens of a State can resolve themselves in or out at their pleasure, the people of Massachusetts could have resolved themselves out of the Union, and gone over to the enemy, without treason. Our fortresses in Boston harbor, built with our money, manned with our soldiers, and mounted with our guns, might, by a resolution passed by a Massachusetts convention, have been withdrawn from our jurisdiction, and surrendered to the enemy—ay, our own guns turned upon us. That would indeed be constitutional secession with a vengeance!

Again: the doctrine that each State may constitutionally secede, and become to all the rest a foreign Power, would open the United States to become the theater of all the intrigues of foreign Powers, like the petty principalities upon the European continent. "No State can enter into any treaty, alliance, or confederation," nor "enter into any agreement or compact with another State, or with a foreign Power," is the express language of the Constitution; and any such alliance or compact on the part of the State would be null and void, and, on the part of any foreign Power, an act of war.

But again, sir, take it in time of peace; apply your doctrine to Pennsylvania and New Jersey; that they, by a simple resolution of their people, can withdraw from the United States of America. Why, sir, they would cut off all your great mail routes North, and you could not go by land from Virginia to New York without going through a foreign country. So, too, with Illinois. If this doctrine is correct, a mere resolution of the citizens of Illinois can make that a foreign State, and cut off entirely the Northwest from communication with the East by land; and we must ask leave of Illinois to go to New York, or to New England, to Ohio or to Indiana, unless we go down around through the States of Missouri and Kentucky; and you propose to make that a foreign jurisdiction also. Where does this absurd doctrine end?

But go a little further. Take the State of Florida, a little State down on the Gulf, with about fifty thousand white inhabitants, almost as many as there are in some counties in the State in which I live. Look at Florida. We purchased this peninsula, and gave \$5,000,000 for it. What for? To get rid of a foreign jurisdiction over it; to get rid of Spain; to get also possession of the keys, and to protect an entrance for our commerce into the Gulf of Mexico. We have spent \$35,000,000 to take away the Seminoles. Now these fifty thousand people whom the good citizens of these United States under their laws have permitted to settle there, and with hardly half population enough for a Representative to be admitted as one of the States of this Union in full fellowship—Florida, for whom we have expended so much blood and treasure, the most favored, petted, weakest little sister, puts on great airs now, and assumes that by a mere resolution of her people gathering together in convention, she can resolve herself out of the jurisdiction of the United States, take all our fortresses, upon which, as a part of our great national defenses, we have spent hundreds of thousands, seize our own guns, and turn them against us, to enforce her doctrine of constitutional, peaceable secession.

How is it with Louisiana, the State which the honorable Senator himself represents? The Government of the United States, upon wise principles of great national policy, purchased of the First Consul of France the Territory of Louisiana, at an expense of \$15,000,000. And for what? To obtain exclusive possession of the great valley of the Mississippi, and above all things to take the mouth of that river, through which its commerce discharges itself upon the high seas, away from the control of a foreign Power. Does that Senator contend here that the people of his State, to whom the Federal Government has granted its lands, and has permitted to be organized and admitted as one of the great family of States, in a moment of disaffection or excitement, by a mere resolution of a convention of her citizens, can resolve themselves outside of this Union; absolve themselves from their allegiance, and become to us a foreign Power,

and take with her the control of the mouth of the Mississippi? I tell you, sir, and I tell the Senator from Louisiana, that if any such doctrine had been understood when Louisiana was admitted into the Union, she would never have been admitted. I tell you, sir, that with any such doctrine as this, her people would not have been permitted to take possession, and to cultivate the swamps of Louisiana. Louisiana would have been held as a Territory now. The people of this country will not consent that she shall become a foreign Power, and hold the mouth of that river, which floats their commerce to the Gulf. They will never consent that the mouth of that river shall pass under a foreign jurisdiction, come what may.

How has it been with the State of Texas? The Federal Government admitted Texas as one of the States into this Union at a time when she had a sparse population, many debts outstanding, with broken credit, and an empty treasury. Her independence had been acknowledged, it is true, by England, France, and Belgium, but she was still in a feeble condition. We took her as one of the States into this Union. Her annexation was followed by the Mexican war, by which Mexico undertook to subjugate her to her dominion. It cost us forty thousand lives to defend her against Mexico; it cost us near a hundred million dollars; and now, when we have made her a great State, built her fortifications, paid off her debts, when we have raised her up by a friendly hand to the position she now holds, which will make her, in the end, greater than any southern State—greater than Georgia herself, thus far regarded as the empire State of the South—is it possible that now, in a moment of passion, “when madness rules the hour,” the people of Texas can resolve themselves out of the Union and become to us a foreign Power?

Mr. WIGFALL. I ask the Senator to let me make an explanation.

The PRESIDING OFFICER. (Mr. FOSTER in the chair.) Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. DOOLITTLE. I shall be through in a very few moments, and then the Senator can make his remarks.

Mr. WIGFALL. I would rather they would go in your speech, so that the public would see them both together.

Mr. DOOLITTLE. I do not know that I shall publish my speech.

Mr. WIGFALL. The Senator is mistaken in supposing that this Government paid the debts of Texas. He is utterly mistaken in supposing that they have ever conferred any benefit upon the people of that State by annexation. By the terms of annexation they were to defend that border, and that people have been left to defend themselves from the time that they came into this Union up to the present time. There has been a constant war with American Indians. They have built no forts that they agreed to do. There is a fort that is in the process of construction at Galveston. The Secretary of War ordered some guns to be sent there the other day, and a free-soil abolition mob in Pittsburg interposed and committed an act of treason by levying war against the United States; and yet nothing is said about that. They have not paid the debts of Texas; but after having, by treaty stipulation, by the action of the legislative department of this Government, by the action of the executive department of this Government, recognized the Rio Grande as the boundary of Texas, this Government, under free-soil rule during the days of Mr. Fillmore, disputed the title which they had three times asserted and maintained, for which they went to war, and swindled us out of thirty thousand square miles, which now compose a part of Kansas and Nebraska. This is the faith that this Government has kept with Texas; and as I said the other day, if we have been bought and paid for, I trust that Senator will come down, under the fugitive slave clause, to get his property. We are going out.

Mr. DOOLITTLE. I have no objection to the Senator going out. All we claim is that the State shall remain.

Mr. WIGFALL. The State will go out.

Mr. DOOLITTLE. I shall not now go into a detailed statement of the amount of Federal expenditures paid on account of Texas over and above the war expenses. Ten million was given for her surrender of what she claimed in New Mexico. But that is not essential to my argument. As to the matter of publishing my speech, I do not expect to publish it in pamphlet form at all. If the Senator on the other side desires to publish his, I would be very much obliged to him if he will publish mine too, and let it go along with his to his constituents.

Mr. WIGFALL. Thank you, sir. I should suppose that the facts were material to your argument.

Mr. DOOLITTLE. A word, Mr. President, in relation to this doctrine as applicable to California. I believe the bonds are still out which we gave to Mexico, upon the purchase of California, by the treaty of peace. Do you suppose that when the fortresses at

San Francisco, and other defenses of the State, are all completed, and we get *our railroad* built across to California, that may cost us a hundred million more, California, by a simple resolution of her inhabitants, can withdraw from the Union without our consent, and take *our* harbors and *our* fortresses and *our* great national railway into a foreign jurisdiction?

How was it in relation to the Island of Cuba? Two years ago all the Senators on the other side of the Chamber were pressing upon the Government of the United States the purchase of that island, for which they were willing to pay the sum of \$200,000,000. Suppose we had paid the money, taken possession of the island, and entered the long-coveted Moro Castle, mounted upon it our best guns, and completed all its harbor defenses, impregnable as Gibraltar: could the people of that island then resolve themselves out of the Union, take possession of our forts, and destroy our commerce by the very means we have bought or built to protect and defend it? Upon what ground did they press upon us the purchase of Cuba? To command the outlet of the Mississippi valley, and to control the commerce of the Gulf. Such great national considerations as those were urged by gentlemen upon that side of the Chamber. But what would it all be worth? what is our whole Government worth? what is American citizenship? what is American greatness? what is American nationality? what does it all mean? Is it all a farce and a delusion, and has it been from the beginning?

Mr. President, gentlemen sometimes complain that the Republican party in its policy is disposed to do injustice to the citizens of the South, and especially to what they call their social institution of slavery. What has been the history of this Government? Since the adoption of the present Constitution, we have acquired Florida, Louisiana, Texas, and the Territories from Mexico. We surrendered a part of Maine. We have given up our claim to a large portion of Oregon. The same party and canvass which brought Texas gave up 54° 40', and came down to 49°, giving up on the north Vancouver Island, and almost six degrees of latitude. We purchased the Louisiana Territory, and nearly two-thirds of all the good lands in that Territory have been given up to the social institution of the South. The annexation of Texas, the war with Mexico, and the acquisition of those territories from Mexico, including Texas, may be regarded as but one transaction; for they all followed close upon each other. Now, I ask you, gentlemen, in all fairness and candor, to say, of all these Territories that we acquired from Mexico, whether, by surrendering up the whole of Texas to your social institution, we have not surrendered up to you an empire as big as the kingdom of France? We have surrendered to your social institution in Texas alone more than your full share of all the territories acquired from Mexico, when you compare the number of those persons who are employed under your system of labor with the free white laboring population of all the United States. When you speak of injustice it is imaginary, not real. You have had your full share, and more than your share, of all the Territories that we have acquired from the beginning to this hour, since the adoption of the present Constitution.

Most of you say that New Mexico is entirely unfitted for slave labor. Why, then, make this struggle? The repeal of the Missouri compromise, and the struggle to wrest that Territory from free labor, and to force slavery upon it, to which it is not adapted, has brought upon us all this agitation and trouble. Why attempt to do the same in New Mexico?

Mr. President, I am tired of hearing gentlemen complain of the injustice done to this institution by our territorial policy. There is no foundation for it in our history—none whatever, it seems to me. In proportion to the number of persons held in your system of labor you have had altogether more than your full share, in comparison with the free white laboring population of the United States; and you now claim further, not only more than your share, upon a fair division, but you claim what the Constitution of the United States does not give at all—the right to go into these territories acquired from Mexico, and to carry your slaves there, in violation of the Mexican law against it. It has been my purpose to show that the Constitution of the United States, even under the Dred Scott decision, does no such thing; that there is nothing in that decision to show that the law of Mexico, existing when we acquired the territory, is not still the law of that territory; that there is nothing in that decision which affirms that the Constitution of the United States repeals or abrogates it; and when the slaveholder claims the right to take his slaves there under the Constitution, he claims a right which the Constitution does not give. There is, therefore, no foundation for this charge which we so often hear, that we deny the equality of the States or the equality of their citizens in those Territories. What do we deny to you that we do not deny ourselves? What single right in New Mexico have we that you have not got there also? You say that this doctrine excludes your social institution; so it excludes our banking institutions; it excludes our manufacturing corporations. Your social plantation system is but a kind of close cor-

poration existing under the laws of your States, permitted or established by the local law. We deny you no right which we do not deny ourselves. We give you every right and every privilege which we give ourselves.

Mr. GREEN. Will the Senator allow me to give a little illustration?

Mr. DOOLITTLE. I will say to the Senator from Missouri that I am very nearly through all the remarks I intended to make. I will hear the Senator after I have done.

Mr. President, the Senator from Oregon [Mr. LANE] seemed to complain on this subject with great feeling, that the Republican party were denying the equality of the States in the Territories of the Union, purchased with common blood and common treasure. Now, sir, I stand here to say that if the Constitution of the United States gives to the slaveholder the right to carry slaves as property into the Territory, it follows, of necessity, that he has a right to have his property protected there. I will not admit a right, and at the same time deny the remedy. I will not admit that he has a constitutional right to take and hold his slaves there, and at the same time say that they may be lawfully taken from him. "That a thing may be lawfully driven from a place when it has a lawful right to stay," I could never reconcile in logic or in morals. But I deny the right altogether, in the Mexican territories, under the Constitution, as construed by the Dred Scott case even. There is no such right established by it. He complained of what I had announced in a letter to Milwaukee, that "the free territories acquired, or to be acquired, from Mexico or Great Britain should remain free." Well, sir, I maintain that such is the law of the acquisition of territory under the Constitution, and that is but just. When we acquire free territory, it is asking too much of us to convert it into slave territory. It is impossible, I say, that we can have peace on the slavery question on any such constitutional doctrine as that. You must consent to allow free Territories to remain free. We stand pledged not to interfere, directly or indirectly, with your institutions in the States where they exist. Upon these grounds we can have peace—permanent, perpetual peace. Sir, that is peace; and I repeat what I declared the other day, that non-interference by the General Government or by free-State men against slavery in the States, and non-interference by the General Government or by slaveholders against freedom in the Territories, is peace.

Mr. President, the Senator from Missouri assumes, as a proposition which ought not to be doubted, that the Constitution of the United States enters the territory acquired from Mexico, repeals the Mexican law abolishing slavery, and establishes a law in its favor. In addition to what I have already said, I desire now to say that this proposition is in direct contravention of the decision of the Supreme Court of the United States in the Prigg case, in which they held expressly that "the state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws." It is in violation of the decisions of the supreme court of every State, both north and south, previous to 1848. When John C. Calhoun, on this floor, first announced the doctrine that the Constitution of the United States, by its own positive force, guaranteed the right to take and hold slaves as property in the Territories of the United States, it did not have half a dozen supporters, I believe, in either House of Congress. Mr. Clay, Mr. Webster, Mr. Benton, and the great men in this body, denounced it as a heresy. It was so much against the established doctrine of this country, and of every court, not only of the free States, but of the slaveholding States, as well as of the Supreme Court of the United States, that it found support nowhere. There was then no more respectable support to this new doctrine of John C. Calhoun, than the Constitution of the United States established the right to take slaves as property into a Territory, than there is now to the doctrine of Lysander Spooner, that the Constitution of the United States abolishes slavery in every State within its jurisdiction.

Mr. MASON. Will the Senator allow me a moment?

Mr. DOOLITTLE. Yes, sir.

Mr. MASON. I merely wish to say this: Mr. Calhoun lives no longer, and there is no representative of his State upon this floor. I do not mean to interrupt the Senator further than to say, that I never understood him, nor did I ever understand any jurist in the land, in giving a considered view of this question, as declaring that the Constitution of the United States established slavery anywhere; but I understood that great man, and those who concurred with him in opinion, to say this: that a slave is property, and nothing but property; and that the Constitution of the United States would protect that property in the Territories or upon the high seas as it would protect any other property. It establishes nothing; it recognizes property because it is property. That I understand to be Mr. Calhoun's view.

Mr. DOOLITTLE. And, therefore, I understand the honorable Senator to draw this corollary: that the Mexican laws abolishing slavery in the Territories, the instant we acquired them, were abolished or abrogated, in some way, by force of the Constitution;

and that a slaveholder from Virginia has a right to enter into those Territories, where slavery has been abolished, and, in spite of these laws, to hold his slave as property by virtue of the Constitution. That I understand to be your conclusion.

Mr. MASON. The honourable Senator has no right to involve me in any of his legal conclusions.

Mr. DOOLITTLE. It is the very point we are discussing.

Mr. MASON. It is purely legal. I only want to contradict—not offensively, but to contradict—any notion that Mr. Calhoun, or any other statesman or jurist, ever has, in a considered opinion, said that the Constitution established slavery.

Mr. DOOLITTLE. Do I understand the honorable Senator from Virginia, then, to maintain that the Constitution of the United States, when we acquire territory where slavery has been already abolished, repeals or abrogates the law abolishing it?

Mr. MASON. I say, again, sir, the Senator shall not involve me in any of his legal conclusions. I understand it to be a part of the public law of the civilized world, that when you acquire dominion, the laws of that domain remain in operation until the new Power abrogates or establishes it. Is not that public law?

Mr. DOOLITTLE. I agree to that.

Mr. MASON. That I understand to be the public law. I may be wrong in it. Now, what legal conclusions may follow in the peculiar construction of our Government with a fundamental law, or how it operates upon existing laws in a Territory newly acquired, I am not going to discuss with the Senator at all; and, therefore, I protest again that he shall not commit me to his legal conclusion as to the legal effect of the Constitution in the Territories. I mean to say this alone: that the Constitution recognizes a slave as property. We say, not that the Constitution establishes slavery anywhere, but that there is the same obligation upon those who administer the Constitution to protect the property in a slave, as property, as in anything else, wherever the Constitution is administered. That is what we claim.

Mr. DOOLITTLE. Mr. President, I do not desire to be taken from the precise point, for in that is the whole point of controversy involved. The law of Mexico abolished slavery in these Territories before we acquired them. Now, when your slaveholding constituents are claiming that we deny their constitutional rights in those Territories, the simple question is: whether the Constitution of the United States enters those Territories and repeals the law of Mexico against slavery, and guaranties in some form their right to enter with their slaves? I understand the majority of the judges of the Supreme Court in the Dred Scott case to say that the Congress of the United States have not the power to prevent its entrance; but I do not understand any one of the judges of the Supreme Court to distinctly affirm that the Constitution enters the Territory and repeals or abrogates the former and previous law against slavery, and gives the right to enter with property in slaves. I say, therefore, when you, representing slaveholding citizens of your State, stand here insisting that we deny any of their constitutional rights, you say it without any foundation, in my opinion, in constitutional law.

Mr. WIGFALL. Will the Senator allow me to interrupt him?

Mr. DOOLITTLE. Not at present. There are one or two points that I desire to discuss, and I hope I shall be allowed to do so now.

Mr. WIGFALL. It is merely in relation to that matter of law, and it is this: Mexico, you know, was a Catholic country—

Mr. DOOLITTLE. Well, sir, I do not wish to go into that.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. DOOLITTLE. The gentleman may raise a question as to what the Mexican law was. Without any discourtesy, I do not propose to go into a discussion about that.

Mr. WIGFALL. Well, admitting, for the sake of argument, that it was a Catholic country, then a marriage could not be solemnized except by a Catholic priest—

Mr. DOOLITTLE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. DOOLITTLE. I desire not to be drawn into an argument about the Catholic religion.

Mr. WIGFALL. You do not want to hear the facts.

Mr. DOOLITTLE. When I wish to enter into an argument on that subject, it will be on some other day and in some other place. I am talking now upon this subject, and do not desire to be drawn off. I am coming down to the real point in this controversy. I wish to bring gentlemen right down to the point; and if I am wrong I want to surrender, and to surrender like a man; and if you are wrong I want you to do the same.

I support this amendment offered by the Senator from Illinois [Mr. TRUMBULL] because it affirms that the law of Mexico in relation to African slavery when we acquired it ought to remain unabolished by Congress, and remain the law of that Territory up to the time when it shall be admitted into the Union. I say to you in all sincerity, and I be-

lieve I speak the sentiments of nine-tenths, not only of the Republican party, but of the Democratic party who supported the honorable Senator from Illinois for the Presidency, that they will never consent to the idea that the Constitution of the United States, of its own force, or by any of its provisions, is to carry the law of slavery anywhere. They are willing to admit that the Constitution, of itself, is neutral. They are willing to say that it neither abolishes slavery where it exists, nor establishes it where it does not exist; that when we acquire slave territory it does not abolish it; and when we acquire free territory it does not establish it, or in any manner guarantee its right to enter; but they will never consent, no, sir, the American people will never consent to say that wherever the Constitution goes, slaves may go as property by force of its provisions, against the local law of the Territory, imposed by the sovereignty from which it has been acquired; that it has the power (call it by what name you please, establishing, recognizing, guaranteeing, or what you will) of overcoming the law of freedom in the territory existing at the time of the acquisition.

The Senator from Missouri compares what I said upon this subject to the invitation of the fox to the stork to come to the feast. Let us look into history a little, and see. Sir, we acquired Florida; which was the fox and which was the stork at that feast? We acquired the Louisiana Territory, and gave you two-thirds of all the good land there. Who had the advantage when invited to that entertainment? After you had got your full share, and we were about to enjoy that portion which was expressly reserved for us, just as we were ready to partake of it and enjoy it—what then? You snatched at it, and undertook to take it from us by force. To drop all figure, you demanded the right to allow slavery to enter—

Mr. POLK. Mr. President, I merely wish to say—

THE PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor to the Senator from Missouri?

Mr. DOOLITTLE. If it is for a simple explanation, I will.

Mr. POLK. I desire to correct a mistake into which the honorable Senator fell. He has repeated twice over this morning that two-thirds of the Territory of Louisiana was given to the South.

Mr. DOOLITTLE. I said of the good lands. I did not say two-thirds of the surface, including deserts. I meant the good lands.

Mr. POLK. I think the Senator is entirely mistaken in that, too.

Mr. DOOLITTLE. I say, just as we were about to enter and take possession with our system of labor, the Missouri compromise was repealed, and slavery was invited to enter. I shall not repeat the story of the subjugation of Kansas. We have had a struggle for the last six years, growing out of that transaction, which, may, God grant, we shall never see again. Jackson and Clay, Webster and Wright, were no more. The only two, Houston in this, and Benton in the other House, who took part in the compromise of 1820 opposed its repeal. They warned the country what would be the effect; but they were unable to successfully resist it. What they then predicted is almost history now. For my own part, I aided the election of General Pierce, and in putting the Democratic party in power in 1852. I stood before the people of Wisconsin and invited them to support General Pierce upon the ground that the slavery question had been settled in all the Territories of the United States; north of 36° 30'—it was settled by the act of 1820; in New Mexico and Utah it was settled by the act of 1850—and I asked them to support him upon that ground. It was upon that ground he was elected. At his inauguration, while the oath of office was yet upon his lips, he repeated his pledge never to reopen the slavery agitation. The territorial question was at rest. The country was at peace. Suddenly, like a clap of thunder from a cloudless sky, the whole country was startled by a proposition to repeal the Missouri compromise, and to open the Territory of Kansas to slavery. Then followed a struggle to carry it there by force of arms. Would to Heaven that page of our history could be blotted out. I will not dwell upon it. Let us admit Kansas now into the Union, and close up that controversy forever. Now, I ask you, are you not about to open a new point of quarrel?

Not satisfied with destroying the compromise of 1820, you now propose to repeal the compromise of 1850, in relation to New Mexico. You see what peace has been given to the country by repealing one compromise. How much more peace will you get by now undertaking to repeal another compromise—that of 1850—by which the territorial question was settled in New Mexico and in Utah? Breaking the compromise of 1820 gave no peace in 1854. Breaking the compromise of 1850, as to New Mexico, will not restore peace now. The proposition of the Senator from Mississippi is, that Congress shall distinctly recognize and protect slavery in all that territory. I cannot give it my support. In the amendment to it by the Senator from Illinois [Mr. TRUMBULL] I fully concur.

Mr. President, I have been drawn into a longer discussion than I had intended. I shall not trespass further upon the time of the Senate.

